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PATENT  
Attorney Docket 036870-5045-14

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent and Trademark Office  
Mail Stop Patent Application  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

**CONTINUATION PATENT APPLICATION TRANSMITTAL**  
**UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a **Continuation** patent application under 37 C.F.R. § 1.53(b).

1. This application is a Continuation Patent Application under 37 C.F.R. § 1.53 of pending prior application No. 09/985,417 filed on November 2, 2001 of:

Inventors: 1. Michael Zasloff, Merion Station, PA  
2. Ann Shinnar, Teaneck, NJ  
3. William Kenny, Churchville, PA  
4. Steven Jones, West Chester, PA

For: **Aminosterol Compounds Useful as Inhibitors of the Sodium/Proton Exchanger (NHE), Pharmaceutical Methods and Compositions Employing Such Inhibitors, and Processes for Evaluating the NHE-Inhibitory Efficacy of Compounds**

Prior Application: 09/985,417

Examiner: Sabiha Naim Qazi

Group Art Unit: 1616

2. The papers enclosed are as follows:

A new continuation application:

167 Pages of specification including  
001 Cover Page  
162 Pages of description  
003 Pages of claims  
001 Page of the Abstract of the Disclosure  
19 Sheets of Drawings (Figures 1-16)

3. Oath or Declaration: A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a

copy of the oath or declaration is supplied is considered a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.

4. Relate Back (35 U.S.C. 120): Please see the attached Preliminary Amendment.
5. Assignment: The prior application is assigned of record to Magainin Pharmaceuticals Inc. at Reel/Frame 7628/0865 on August 25, 1995. A certificate of merger of Magainin Pharmaceuticals Inc. and Genaera Corporation was recorded on August 15, 2001 at Reel/Frame 012061/0506.
6. Extension of Time in Parent Application No. 09/985,417: If an extension of time is necessary for the filing of this continuation application, including any extension in pending parent Application 09/985,417 for the purpose of maintaining copendency between the prior application and the present application, such an extension is hereby requested and the Commissioner is authorized to charge the necessary fees for such an extension to Deposit Account No. 50-0310.
7. Amendments: Prior to calculation of the application filing fee, please see the attached Preliminary Amendment, canceling claims 1 to 3 without prejudice or disclaimer and adding new claims 4 to 24.
8. Fee Calculation (37 C.F.R. § 1.16):

CLAIMS FOR FEE CALCULATION				
	Number Filed	Extra	at Rate of	Basic Fee \$770.00
Total Claims	28 – 20	8	\$ 18.00 each =	+\$0.00
Independent Claims	3 – 3	0	\$ 86.00 each =	+\$0.00
Multiple dependent claims			\$290.00	+\$0.00
			Sub-total =	\$0.00
			Reduction by ½ for filing by a small entity	
			Total Filing Fee =	\$0.00

9. Fee Payment: **No Filing Fee is being paid by check or deposit account at this time.** This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicants await notification from the Patent and Trademark Office of the time set for paying the filing fees.
10. Additional Papers Filed:
  - (i) Preliminary Amendment (6 pages)
  - (ii) Copy of Declaration
  - (iii) Copy of Revocation of Original Power of Attorney and Grant of New Power of Attorney by Assignee

11. The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number. Please address all correspondence to Morgan, Lewis & Bockius LLP at Customer No. 009629.
12. **Except** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

**Please accord this new U.S. Continuation Application a serial number and filing date.**

**Dated: April 15, 2004**  
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Respectfully submitted,  
**Morgan, Lewis & Bockius LLP**  
  
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